

(Proclamations by the Governor.  
Executive Office.)

Austin, Texas - 6/15, 1899  
(Public notice is hereby given that the following bills  
passed at the regular session of the 26th Legislature of the  
State of Texas, and received in the Executive Office less  
than ten days prior to adjournment of said Body, was  
disapproved, for the reasons herein after assigned, said bills  
having been heretofore filed in the office of Secretary of  
State, on the respective dates marked with my initials  
for official disapproval of same; to wit:

1st: An act to authorize a division to record and  
evidence in the courts of the State, of duly certified copies of  
all deeds and other instruments of conveyance of land  
which have been duly registered or recorded in other States  
or in the Republic of Mexico but which the laws of such  
States or of the Republic of Mexico require to be retained  
in the deed or notarial archives of said States or of said  
Republic of Mexico, and to give such instruments like  
effect or notice and proof as is given by deeds ex-  
ecuted in this State, and to declare an emergency.

This bill was filed in the Department of  
State on the 27th day of May, 1897, with my objections thereto.  
I disapproved said bill for the reason that if enacted  
into law, it would facilitate the making and establishment  
of fraudulent conveyances in other States and in the  
Republic of Mexico, and affecting the title to lands  
in this State.

2nd: An act to amend an act of the 25th Legislature,  
approved March 20, 1897, entitled "An Act to amend Article  
867, Chapter 1, Title 25, of the Revised Civil Statute  
relating to County finances."

This bill was filed in the Department of State  
on the 3rd day of June, 1899 with my objections  
thereto. My objections rest upon the following  
grounds:

(1) The measure may be regarded as statutory au-  
thority for the County Treasurer to deposit the public  
funds in a banking institution, which is a departure  
from the policy heretofore maintained.

(2) It enables that official in the contingency  
stated, if he should so desire, to deposit the County funds  
in any bank in the State however remote from the  
County to which the funds may belong.

(3) The authority given to the Commissioner Bank  
to accept the certificate of the Cashier of the Bank in  
which the funds may have been deposited, as actual

Court is dangerous in the extreme and might lead to defalcation upon the part of the Treasurer and loss to the County.

4th; An Act to fix and define the limitation of time wherein suits for taxes may be brought and to declare that taxes for the recovery of which suit is not brought within such time, shall be conclusively presumed to have been paid, and to forbid any action therefor, and to repeal all laws and parts of laws in conflict therewith.

This bill, with my disapproval thereof, was filed in the Department of State on the 5th day of June, 1899. My objection to the bill is that it does not contain any provision prescribing an adequate penalty for a failure upon the part of the proper official to institute suit against the delinquent tax payer within the period of time to which an enforced collection is limited. The policy which the bill proposes to inaugurate would therefore be dangerous in the extreme, affording the opportunity to many who are entirely able to pay to escape the payment of their taxes.

4th; An Act to amend Article 873(983), Title 25, of the Revised Civil Statutes of the State of Texas, and to repeal all laws and parts of laws in conflict therewith.

This bill, with my objections thereto, was filed in the Department of State on the 5th day of June, 1899. The objectionable feature of this bill, which leads to my disapproval thereof, is to be found in the second proviso and may probably result from error in enrollment. The clause referred to, though susceptible of interpretation, is so disconnected in arrangement as to fail to give clear expression of legislative intent.

5th; An act granting permission to H. B. Owen to bring suit against the State of Texas in the District Court of Travis County, to ascertain and determine the amount if any, due him for allowances as Quartermaster and Commissary of the Frontier Battalion from the 1st day of April, 1895 to the 1st day of February, 1899, for his travelling and other contingent expenses.

This bill was filed in the Office of Secretary of State on the 6th day of June 1899, accompanied by the reasons for my official disapproval thereof. After a most careful examination into the facts, as shown by the official record, I am forced to the conclusion that the claim upon which the proposal is based has been granted the State of

solutely without merit. It appears that from the 1st day of April, 1895 to the 1st day of February, 1897 his most meritorious and Commission of the Frontier Pollution. The bill authorizes him to institute suit for his traveling and other contingent expenses between the states named. If Mr. Owen had incurred one dollar of expense for travelling and other contingencies for which he has not been fully paid, I have failed after a most diligent and thorough inquiry, to discover it.

In addition to the reason already given, the bill makes an indefinite appropriation to pay whatever sum might possibly be recovered in the court. Such method of appropriation is, in my judgment, very objectionable and would be fatal to the measure were it in all other respects meritorious.

6th; An act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas entitled, "An Act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or the Confederate States a land certificate for 1280 acres of land" approved April 9, 1881, and to validate such location and surveys.

This bill, with my reasons for vetoing the same was filed in the Department of State on the 9th day of June 1899. The ground of my objection rests upon the facts as stated in the following communication from the Commissioner of the General Land Office:

Austin, Texas, June 7, 1899. To His Excellency Joseph W. Gray, Governor of Texas; House Bill No. 300 referred to me for my opinion is herewith returned the following statement:

The purpose of this bill is to validate certain surveys located by virtue of Confederate Certificates issued under Chapter C VI, act of 1881 page 122. Some of these certificates were located in counties mentioned in Chapter L II, Act of 1879, page 47, and as amended by Chapter XXXIII, Act of 1881, page 24 and 25. The land in those counties was reserved from location before the issuance of the certificates. It is my understanding that when this bill reaches the Senate, it proposes to validate such surveys only as are owned by the original grantees of the certificates - as passed it validates all, whether owned by the original or an assignee. That provision of the bill which restricts its operation to such surveys only as are ~~under~~ <sup>in</sup> conflict ~~with~~ <sup>the</sup> grants is to the obvious very

initiated, for the reason that most of such locations have been either partly or wholly covered by later locations.

It is a fact of our common knowledge, that most of the Confederate Certificates very soon passed into the hands of speculators. These persons were generally such individuals as had actual knowledge of the reservation upon which they ordered the survey to be made, yet they had the surveys made in the very teeth of the Statute forbidding it. Evidently, they thought the State would in time validate them, as it had been doing, and they could obtain valuable land at a nominal price.

I do not regard it as a measure for the relief of the Confederate soldier, his widow or children to any considerable extent, but rather in the interest of the speculator.

Again, in view of the fact that the school fund portion of the land may be lost, it is advisable, at this time, to make further donations out of it.

Very respectfully yours,  
(Sgd) Charles Hogan,

Commissioner of the General Land Office

J<sup>th</sup>; An act to grant leave to J. H. Burkitt, of Anderson County, Texas to bring suit against the State to redeem from forfeiture and re-sale Section No. 58, Block No. 11, T. & R. W. G. P. Co. Survey of land, Abstract No. 852, in Hardeman County, Texas.

This bill with my objection thereto, was filed in the Department of State on the 9th day of June, 1899. The facts connected with this location, as given in a communication from the Commissioner of the General Land Office, of date June 7, 1899, constitute the ground of my objections to the measure and, in my judgment, furnish a sufficient reason why it should not become a law. Said communication is as follows:

Austin, Tex., June 7, 1899.

Dear Sir:-

Senate Bill No. 330, an act granting J. W. Burkitt permission to sue the State of Texas for the recovery of Section 58, Block No. 11, T. & R. W. G. P. Co. in Hardeman County, referred to me, is respectfully returned. I beg to say that this sale was originally made to an actual settler under the act of 1883. Proof of three years occupancy was made in 1888. The last transfer on file here is to J. M. Myers, of Beck County, Indiana, was paid on this claim up to January 1st, 1897. The land being the forfeiting principle, the

441

right for 90 days to re-purchase without settlement. It also allowed him, at any time thereafter, to forego the rights of third persons interested, to renstate the forfeited claim by paying the back interest.

The Act of 1871, Chapter 37, page 39, provided that "the purchaser of said land shall have the right at any time within six months after final endorsements of 'Land forfeited', to institute a suit in the District Court of Travis County, Texas against the Commissioner of the General Land Office, for the purpose of contesting such forfeiture and setting aside the same upon the ground that the facts did not exist authorizing such forfeiture". The purchaser failed to avail himself of this opportunity.

On August 26, 1898, J. L. Fullis filed his application for the purchase of this land as an actual settler. The sale was consecrated September 16, 1898. The question now to be determined is this, is it right to grant the former owner a new and additional remedy against our actual settler who in no wise induced the forfeiture, and whose rights are not in any manner sought to be protected under this bill.

While it is a hardship on Bentzitt, he can trace it solely to his own negligence in failing to make his payments. This office is filled with cases forfeited in the same manner and of equal merit and for whom no provision is made. In all such cases, as in Bentzitt's, the rights of other parties have intervened.

Very Respectfully,  
(Signed) Charles R. Ogall.

Commissioner of the General Land Office.

4th. An Act for the promotion of medical science by distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to regulate dissection by authorized persons.

This bill was filed in the office of the Secretary of State on the 15th day of June, 1898, with the following reasons for my veto of the same:

My disapproval of the bill rests upon the ground that under its provisions it is made the duty under penalty of a fine of not less than One Hundred dollars and not more than Five Hundred dollars, of the Superintendent of the

442

Eleemosynary and Penal Institutions of the State, and also, of all officers having charge of alm houses, prisons, morgues, and hospitals, to inform the Anatomical Board of the death of any inmate of said places within twenty-four hours thereafter and to deliver to the Board or its agent the body of such deceased person unless such body be claimed by a relative or friend for burial, or unless such deceased person shall have while living, expressed a desire that his body shall be buried. No notification, however, of the death of such private is required to be given to his friends or kindred, nor is a complete description of the body required to be recorded at the place where it is dissected.

The measure, in my judgment, affords no protection whatever to a very large class of unfortunate people, and in its operation the grossest and most scandalous abuses may arise and that too, without any violation of the letter of the law.

---

In Testimony Whereof, I have hereunto signed my name and caused the seal of the State to be affixed at Austin this the 10th day of June, A.D. 1899—

(Signed) Joseph D. Sayers,  
Governor

Seal

By order of the Governor,

A. H. Hardy,  
Secretary of State